

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7486 of 2001
with
CIVIL APPLICATION NO.8217 of 2002
with
SPECIAL CIVIL APPLICATION NO.7487 OF 2001
with
CIVIL APPLICATION NO.5708 OF 2002
with
SPECIAL CIVIL APPLICATION NO.7488 OF 2001
with
SPPECIAL CIVIL APPLICATION NO.8766 OF 1999
with
CIVIL APPLICATION NO.8219 of 2002
with
SPECIAL CIVIL APPLICATION NO.8781 OF 1999
WITH
CIVIL APPLICATION NO.8218 OF 2002

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

MANIBHAI RANCHHODBHAI PATEL

Versus

THAKOR PUNABEN MANGALBHAI

Appearance:

1. Special Civil Application No. 7486 of 2001

MR MC SHAH for Petitioner No. 1

MR NK MAJMUDAR for Respondent No. 1-3,4/1-16

MR UA TRIVEDI for Respondent No. 1-16

..... for Respondent No. 4

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 24/10/2002

ORAL(COMMON)JUDGEMENT

The learned counsel Mr.M.C.Shah appearing for the petitioners in Spl.C.A.Nos 7486 & 8487/01, Mr.R.A.Patel appearing for petitioners in Spl.C.A.Nos 8766 and 8781/99 have placed on record the settlement entered into between the parties outside the court and therefore Mr.Shah and Mr.Patel submit that they are not pressing these petitions and they request the court that the petitions may be disposed of as not pressed on behalf of their respective clients. On the other hand, Mr.N.K.Majmudar appearing for Kalidas Ratabhai Chauhan, claiming to be Power of Attorneyholder submits that the Power of Attorney is cancelled without any authority under law and the settlement entered into is without any consent or without any authority of his client. He submits that even if the petitions are disposed of as not pressed the liberty may be reserved to his client, namely, Kalidas Ratabhai Chauhan to have recourse to law for ventilating his grievance. Mr.R.A.Patel also submits that the petitioner No.16, namely, Shantaben Kalidas, who is the wife of Kalidas Ratabhai Chauhan, the client of Mr.Majmudar has not signed the settlement and therefore the petition on her behalf may not be treated as not pressed. However, he submits that if this court disposes of the petitions on behalf of rest of the petitioners as not pressed liberty may be reserved to petitioner No.16 to prefer a substantive petition in accordance with law for ventilating her grievance.

2. In view of the above, these petitions are disposed of as not pressed, but the petitioner No.16 of Spl.C.A.Nos 8766 and 8781/99 shall be at liberty to file separate and substantive petition in accordance with law and this order will not preclude or will not operate as bar in preferring separate and substantive petition and at the same disposal of these petitions as not pressed

will also not operate as bar in any manner whatsoever to the client of Mr.Majmudar, namely, Kalidas Ratabhai Chauhan for ventilating his grievance in accordance with law if otherwise permissible. It is also made clear that the disposal of these petitions will not in any manner prejudice the rights of Shantaben Kalidas and she will also have liberty to take recourse to law.

3. All the petitions are rejected as not pressed and rule in each petition is discharged.

4. In view of the orders on main petitions, no order is required to be passed on civil applications and hence civil applications stand disposed of.

24.10.02 (JAYANT PATEL, J)